

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

Lenox Group, Inc. (f/k/a Department 56, Inc.,)	)	
	)	
Plaintiff,	)	
	)	No. 08 C 294
v.	)	
	)	Hon James B. Zagel
Just Ducky Ltd.; Beverly Donofrio; Darren	)	
Donofrio; Lori Donofrio; and Brandon Donofrio,	)	
	)	
Defendants.	)	

**AGREED STIPULATION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES**

Lenox Group, Inc., f/k/a Department 56, Inc. ("D56"), and Defendants Just Ducky Ltd., Beverly Donofrio, Darren Donofrio, Lori Donofrio, and Brandon Donofrio ("Defendants"), by and through their respective attorneys, hereby enter into this Agreed Stipulation to Strike Defendants' Affirmative Defenses.

1. **WHEREAS**, on March 24, 2008, Defendants filed an answer to the Complaint in this action, in which they asserted the affirmative defenses of fraud (First Affirmative Defenses) and duress/coercion (Second Affirmative Defense).

2. **WHEREAS**, on April 10, 2008, D56 filed a Rule 12(f) Motion to Strike Defendants' Affirmative Defenses for failure to allege fraud with the particularity required under Rule 9(b), and for failure to allege facts sufficient to support the affirmative defense of duress/coercion.

3. **WHEREAS**, on April 17, 2008, this Court entered an Order which required Defendants to either respond to D56's Motion to Strike or amend their Affirmative Defenses by May 1, 2008.

4. **WHEREAS**, Defendants have no objection to, and do not oppose D56's Rule 12(f) Motion to Strike Defendants' Affirmative Defenses, but will otherwise stand on their Answer to D56's Complaint as originally filed.

**WHEREFORE**, Lenox Group, Inc., f/k/a Department 56, Inc. and Defendants Just Ducky Ltd., Beverly Donofrio, Darren Donofrio, Lori Donofrio, and Brandon Donofrio respectfully request that this Court enter an order striking Defendants' Affirmative Defenses.

**AGREED TO AND SO STIPULATED, THIS 2<sup>ND</sup> DAY OF MAY, 2008:**

PLAINTIFF LENOX GROUP, INC.  
(f/k/a DEPARTMENT 56, INC.)

DEFENDANTS JUST DUCKY LTD.,  
BEVERLY DONOFRIO, DARREN  
DONOFRIO, LORI DONOFRIO, AND  
BRANDON DONOFRIO

By: /s/ William S. Booth  
One of Its Attorneys

By: /s/ Eric G. Zelanzy  
Their Attorney

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ATTORNEYS FOR LENOX GROUP, INC.,  
(f/k/a DEPARTMENT 56, INC.)

ATTORNEY FOR DEFENDANTS JUST  
DUCKY LTD., BEVERLY DONOFRIO,  
DARREN DONOFRIO, LORI DONOFRIO,  
AND BRANDON DONOFRIO

**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2008, I electronically transmitted the foregoing **Agreed Stipulation To Strike Defendants' Affirmative Defenses** to the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to the party below, and that I also served copies on the party below by depositing the same in the U.S. Mail at 224 South Michigan Avenue, Chicago, Illinois on May 7, 2008, with proper postage prepaid, and that a copy of the same was also sent via facsimile to:

**Defendants' Counsel of Record**

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/s/ William S. Booth